

ATTORNEY DOCKET: AUS920030709US1

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SECTION II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the Office Action mailed 12/14/2005, claims 1-22 were rejected under 35 USC 103(a) as being unpatentable over Nishii et al (U.S. Patent 6,407,389, herein referred to as "Nishii"), and claims 23-30 were rejected under 35 USC 103(a) as being unpatentable over Nishii in view of Takemi et al (U.S. Patent 4,570,450, herein referred to as "Takemi").

The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to even further distinguish the claims from the cited references thereby placing the claims in condition for allowance.

With regard to the cited references, it is noted that Nishii discloses an infrared rays detection apparatus including an optical window member having a characteristic that scatters noise light. A sensor detects thermal distribution of an area condensed by a condenser lens in a passenger room. The condenser lens "is formed so that noise light such as visible light is scattered thereby and that infrared rays is (sic) transmitted therethrough to the image sensor". Nishii discusses sending conditioned air to **portions (i.e. areas)** of a vehicle, rather

ATTORNEY DOCKET: AUS920030709US1

PATENT

than **points along an edge of an object within an airspace** as is disclosed and, by this amendment, currently claimed by the applicant. Further, Nishii states at column 7, lines 54-58, that "Therefore, all passengers in the passenger room can feel comfort, because the conditioned air is sent with adequate temperature and adequate blower speed **independent of: the position where the person is seated; a physique; or the skin temperature**". Thus, the teaching of Nishii is entirely and completely opposite to the teachings of the **applicant in which the flow of conditioned air is dependent upon the position of a person or object within the airspace**, as well as control points at the edges of the object or person within the airspace and even the skin temperature of control points along an edge of the object or person within the air space (see applicant's Figures 5A and 5B). Nishii therefore actually teaches away from the present invention rather than suggesting the present invention as alleged by the Examiner.

The Takemi reference discloses an apparatus for controlling automotive air conditioners in which **areas** of a passenger compartment are cooled. Takemi controls flow rates of cooling fluid supplied to evaporators of the air conditioning system. Like Nishii, Takemi does not disclose or suggest adjusting the flow of conditioned air to control **points along an edge of an object or person within an airspace**. Applicant controls the temperature at various control points **dependent upon the position of a person or object within the airspace**, as well as control points at the edges of the object or person within the airspace and even the skin temperature of control points along an edge of the object or person within the air space (see applicant's Figures 5A and 5B).

ATTORNEY DOCKET: AUS920030709US1

PATENT

In view of the above-noted distinctions from the cited references, all of the independent claims 1, 12 and 23, and therefore all of the remaining claims which ultimately depend from one of the independent claims, have herein been amended to clarify that applicant controls the temperature at a plurality of control points and that the control points at which actual temperatures are taken comprise points lying along an edge of an object within said airspace. Again this feature is illustrated, *inter alia*, in Figures 5A and 5B of the present application.

With specific regard to the rejection of claims 1-22 under 35 USC 103(a) as being unpatentable over Nishii and claims 23-30 under 35 USC 103(a) as being unpatentable over Nishii in view of Takemi, it is believed that, since, as hereinbefore discussed, **Nishii actually teaches away** from the present invention (see, *inter alia*, col.7, lines 54-58), and since neither reference discloses or even suggests the methodology of measuring and controlling temperatures at **control points located along an edge of an object or person within an airspace**, the currently presented claims 1-30 are allowable under 35 USC 103(a) over Nishii and/or Takemi, taken alone or even in combination.

It is also submitted that the proposed hypothetical combination of references is an improper combination since, even though it is submitted that the combination of Nishii and Takemi does not anticipate or render the present invention obvious, neither of the references in itself, even suggests such a combination for any reason, and the only suggestion for such a combination is found only in the applicant's disclosure which, of course, cannot be used to reject applicant's own claims.

ATTORNEY DOCKET: AUS920030709US1

PATENT

It is further noted that in the above referenced Office Action, contains many unsupported conclusions of obviousness without even a showing or a citation for the basis for such conclusions (see, *inter alia*, Office Action p3, lines 1-4; p3, lines 11-13; p4, lines 4-9; p5, lines 8-11), and further several of the unsupported conclusions are used to allegedly support subsequent unsupported conclusions. Actually, as hereinbefore noted, **several of the conclusions of obviousness are directly against the teachings of the references themselves (e.g. Nishii controlling temperatures in areas independently of where a person is seated rather than applicant's adjusting control points which are in fact established by where a person is seated)**. However, applicant believes that these irregularities are moot in view of the clarifications made by the present amendment, and that the claims as herein amended are allowable over the cited references.

It is further noted that the applicant is not claiming the use of any of the individual elements of a claim standing alone, but rather the entire combination of elements and relationships among those elements as set out in the claims as herein amended. Applicant is aware the individual elements of any claim can be isolated, and, when standing alone, those elements can be found in existing references. The similarity of various pieces and parts of the references as noted on pages 2-6 of the above-identified Office Action have been noted but it is believed that there is no suggestion or nexus among the references to even suggest any combination of those references or the total combination of elements and relationships as recited in the claims as herein amended. Where there is no teaching or

ATTORNEY DOCKET: AUS920030709US1

PATENT

suggestion in any of the references for the specific total combination of elements and relationships among those elements, as claimed by an applicant, it is submitted to be inappropriate to search the prior art using applicant's own disclosure as a recipe, to find piecemeal elements in prior art references for individual claimed elements, and then to combine those references in a manner disclosed only by the applicant in order to reject applicant's own claims.

Therefore, as herein presented, claims 1-30 are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for claim language changes for expediting the allowance of this application, and especially if one or more new references are cited, the Examiner is invited to contact the undersigned at the telephone number indicated below, prior to the issuance of another Office Action, in order to allow the applicant the opportunity to further amend the claims by Supplemental Amendment or Examiner's Amendment, as may be appropriate, to place the claims in condition for allowance. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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